

Amendment and Response  
Applicants: Edgardo Costa Maianti et al.  
Serial No.: 10/804,583

Attorney Docket: DID1046US

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### REMARKS

#### Pending Claims:

Claims 1 to 6 are pending. Claim 4 has been amended and constitutes no new matter, support for which can be found in the specification and drawings.

#### Rejections under 35 U.S.C. § 102:

Claims 1 to 6 have been rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,770,149 to Raible. Applicants respectfully traverse this rejection of the claims.

Claim 1 requires a bubble trap in a first portion of a housing and a pump in a second portion of the housing. The Examiner has taken the position that Raible discloses these features and refers to "bubble trap (31)" for support. Applicants respectfully disagree with the Examiner's position. Numeral 31 (FIG. 3 of the Raible patent) which the Examiner refers to as a bubble trap, is merely an air bubble port located at a top portion of the blood pump. Further, claim 1 requires that the bubble trap have an inlet for receiving venous blood and an outlet for supplying venous blood. These limitations are clearly structurally different from an air bubble port located at the top portion of a pump. Therefore, for at least the reasons set forth above, Applicants respectfully request that the rejection of claim 1 be withdrawn. Claims 2 and 3 depend from claim 1 and thus add further limitations to claim 1. Therefore Applicants believe claims 2 and 3 are also allowable and respectfully request that the Examiner withdraw the rejection of claims 2 and 3.

Although Applicants disagree with the Examiner, claim 4 has been amended to clarify the subject matter of this claim. Claim 4 has been amended to require that the bubble trap have an inlet and an outlet and that the outlet of the bubble trap is connected to an inlet of the blood pump. Raible, which discloses an

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air bubble port, does not teach nor suggest a bubble trap having an inlet and an outlet and the outlet of the bubble trap being connected to an inlet of the blood pump. Therefore, for at least the reason set forth above, Applicants respectfully request that the rejection of claim 4 be withdrawn. Claims 5 and 6 depend from claim 4 and thus add further limitations to claim 4. Therefore Applicants believe claims 5 and 6 are also allowable and respectfully request that the Examiner withdraw the rejection of claims 5 and 6.

### Conclusion

In view of Applicants' amendments and remarks, the claims are believed to be in condition for allowance. Reconsideration, withdrawal of the rejections, and passage of the case to issue is respectfully requested.

If any additional fees are due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 16-2312. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our deposit account.

Respectfully submitted,

Date: November 3, 2006

By



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